

1884-025 Chancery Causes: Boston Robinson & wife vs. Sarah Mark &c
Lee Co.

Thompson, Muncy, Edds, Morgan

CA-Contract Dispute
T-Property

- Correspondence

To the Honorable John A. Kelly Judge
of the Circuit Court of Lee County:

The Bill of Complaint of Boston
Robinson and Letitia Robinson
his wife, the Said Letitia Robinson
who also Sues by the Said Boston Rob-
inson and by Sylvester E. Thompson
as her next friends she being under
twenty one years of age, respectfully
represents that the Said Letitia Rob-
inson late Letitia Mark and her Sister
Sarah Mark ^{or were} the joint and equal
owners of a tract of One hundred

to the Defendant Francis M. Muncy
at the price of Three Hundred Dollars,
and he is willing to pay this price
for it ⁱⁿ Case he can get a good title
but by virtue of Said Contract he
is the owner of the Said Boston
Robinson's life estate in one undiv-
ided half of Said land hence ^{he} ~~he~~ is
a party to this suit. Your Orators
will further state that no one else
in their opinion would give the same
price for Said land but the Said
Muncy appreciates it because it joins

his other lands, and is therefore consid-
ered by him as worth that much to
him.

Now the object of this bill is to
have a partition of Said tract
of land if the Court thinks a par-
tition best for the parties and if
the Court thinks best to have a con-
firmation of the Sale to Muncy and
the allotment of the land to him
or any other Sale and allotment that
the Court may think best.

And your Orators being without an

Boston Robinson
& wife

vs.

Bill in Chy.

Sarah Mark &
Francis A. Murney

C 5.16 Jan'y 1881
A 16.00
A L 5.00 Pl. by Murney
25.16
Court 3.00
328.16
Escrow 5.00 B. on lythm
33.16
Hys

My Attorneys fees
of \$15.00 was paid
by F. A. Murney
David Miller

Boston Robinson
vs. Bill in Chy.

Sarah Mark et al

1877 Mr. Bill filed, & a
mat. exced. ls. A. L.
affid. for Sarah Mark
& her ass. filed &
set for hearing by
C. Jeffs.

1878 Mr. Decree & Cont.

1880 Aug. Decree & Cont.

1881 Aug. Contd.

1882, Mr. 7 Aug. Contd.

" Nov. Decree & Contd.

1883, Mr. Aug. & Nov. Contd.

1884, Aug. Decree final

Comp. up. & all

To the Honorable John A. Kelly Judge
of the Circuit Court of Lee County:

The Separate Answer of Francis A.
Muney to the Bill filed in the Circuit
Court of Lee County against Sarah McK
And himself and for answer to said
Bill he will here state that he admits
all the facts stated in the Bill to be true,
and he further admits that he has
Contracted for said land at the
price of \$300. and he is willing
to take the land and have it allotted
to him at this price. The land joins
his and for this reason it suits him
and if it did not join him as it
does he would not be willing to
give that price for it. And having
answered he prays to be dismissed
with his Costs

Boston Robinson
& wife

vs. } answer of
Muney.

Sarah Mark &
H. A. Muney

To the honorable John A. Kelly,
Judge of the Circuit Court of Lee
County:

The answer of Wm A Orr
guardian ad litem of Sarah
Mark to a bill in Chancery filed
in this Court against this respon-
dent and Francis A. Munnay.

Reserving all proper exceptions to
said bill, respondent states that his
ward is an citizen of the State
of Kentucky and is not here
to inform him of either the truth
or falsity of the allegations of
Complainant's bill of Complaint.
But your Respondent is some-
what acquainted with the land
in the Bill named and it is very
poor and steep and an
half of it would probably
rent for \$10 a year. But
the Court being the peculiar guardian
of the rights and interests of
infants your Respondent begs
leave to place the rights of this
one in your honor's hands

Wm A Orr

Guardian ad litem

Boston Robinson
wife
vs} Ans of A. A. L.
Sarah Martineau
Filed at Mr. Bates 1879.
Jas W. Orr. clk.

Received to March 3rd 1879.
J. W. Orr Jr. A.C.

Boston Robinson & wife Puffs.
vs
Sarah Mark & ul Defts. } In Lohy

It appearing from a report of Court District Miller
filed in the cause March the 21st 1884, that the object
of this suit had been fully attained. It is therefore ordered
that the bill be dismissed & the cause stricken from the docket.

Boston Robinson & Co

no. { Dam final

Sarah Mark & Co

Entered page 388

J. A. Hyatt & Co

Enter this

J. A. R.

Aug 26/84

Boston Robinson v. Pelt

Subscribed to the Depts

} In Reply

This cause came on again to be further heard on the papers formerly read in the case, and the report of Just. Waller filed in the case the 23rd day of Nov. 1881 showing that the money due the Pelt had been paid by the debtors to Just. Waller and by him transmitted to the plaintiffs, and that the latter had made such claim to said money as debt carrying over to him was considered half of the debt in the bill was returned: and was signed by counsel. And said report being read & filed to. It is therefore adjudged ordered and decreed that said report be confirmed, and the case continued until the money due the Pelt shall be paid by debtors.

Boston Robinson wife

in 3 Dues

Barth Mark with

Extracts pages

287-8.

John Hyatt
Clerk,

Enter Robinson

Dec 2 1872

L.A.K.

Chd 124

Robert Robinson & wife
against

Sarah Miller & others

The case came on this day to be heard
before the Master formerly said and the re-
port of Comr. H. J. Munn and was argued
by Counsel and it appearing to the
Court that said report had been filed
in this Cause for more than two days be-
fore the first day of the term and no
exceptions having been filed thereto
the same is affirmed and confirmed,
And it further appearing from Comr.
Munn's report and the depositions of
witnesses filed therewith that the interest
of all parties will be promoted by a
Sale of the entire tract of land in the
bill mentioned at the price of
\$8300.00 and the same is therefore al-
located to the Defendant Francis H. Munn
by his paying the sum of \$8300.00
for the same with interest thereon
according to their Contract and the
Court hereby confirms said Sale and the
Defendant Francis H. Munn is hereby
directed to pay the purchase price thereof
to David Miller who is hereby appointed
a receiver to receive and collect the
same and when the same and the
interest thereon is fully paid the said
David Miller shall make acknowledge

and did in this Cause a good and
 sufficient deed as Comr. to the Said
 purchaser with Covenants of Special
 Warranty but before proceeding under
 this Deed the said receiver shall
 execute before the Clerk in this Cause
 a bond in the penalty of \$600.00
 for the faithful performance of his
 duties as receiver and he will re-
 port to Court and the Cause is con-
 tinued

William Robinson
 & wife

15.
 Deane

Sarah Smith & others.

Book page 161

18th March 1880

6-1-
 to 1880
 Aug 29/80

Boston Robinson & wife

Plffs.

against
Sarah Mark and Francis H. Muncy Defs.

In Chy

This Cause Come on to be heard upon the Complainant's bill and the answer of Sarah Mark the infant defendant filed at March rules by William H. Orr. Her Guardian ad litem and the answer of Francis H. Muncy the other defendant also filed at March rules and was argued by Counsel and it appearing to the Court that this Cause was matured at rules and set for hearing and it further appearing to the Court that the land in the bill mentioned is liable to a partition Sale or allotment as the Court may think best to promote the interests of the parties. In consideration of which the Court hereby directs Henry G. Morgan a Commissioner of this Court to enquire by legitimate evidence whether or not it would be to the interest of the parties to allot the entire tract to the Defendant Muncy by his paying to the other parties such sums of money as their interests therein may entitle them to receive or ~~whether or not partition can be conveniently made and~~ whether or not the interest of the parties will be promoted by a Sale of the entire tract or an allotment of a part and Sale of the residue and for this purpose he the Comr. is directed to ascertain the value of the tract. And he will report his action to the next term as well as any other matters deemed pertinent by him or required by any of the parties and the Cause is Continued.

Robert Robinson
& wife

W. } Secree

Sarah Clark &
H. H. Muncy

Quilred Page 33
J. H. Con. & Co.

Entire
In. & Co.
Apr. 3, 1779

Locum Tenens Office for the 3rd day of Nov. 30th 1879
Boston Robinson

My dear Sir
I have the honor to acknowledge the receipt of your letter of the 25th inst. in relation to the above styled case.

The deposition of William E. Adams & James D. Morgan taken the 3rd day of Nov. 1879, at the time of taking an account in the above styled case.

The said Adams being duly sworn says I have seen and am well acquainted with the land which is the subject of this suit. I see no difficulty in the way of making a certain survey. The tract contains about 100 acres and lies on both sides of the main road about 8 or 10 miles west of Lowell. The greater part of said land is rather thin and gravelly and much the greater part consists of low hills and standing up like an angle of from 25 to 45 degrees. I think \$2.50 cents per acre would be a fair price for the same. And if the agent Morgan will pay \$300.00 for the land I have no hesitation in saying as to my share. But the interest of the infant defendant will be best served by a sale of the same.

And further the witness with oath.

H. P. Adams

The said James D. Morgan being duly sworn & says

I know the said land and am well acquainted with said land. And I have just heard from the praying petitioner of said Adams and I hereby advise the Court that I have no objection to the same being sold and further the witness with oath.

James D. Morgan

Virginia Lee County Trust

The foregoing deposition of Hiram Todd and
James B. Morgan were taken before me to and
subscribed by them the 3rd day of Nov. 1877.

Henry J. Morgan, Clerk

Wheaton Nov. 10, 1877

vs. Lee

Shirley, Va.

B

Commissioners Office Jerusalem 30.3.879
Boston Province

Against
said Debtors Dpts } In Chancery

To the Hon John A. Kelly Judge of the Circuit
Court of the County.

By a decree entered in this cause on the 3rd day
of April 1879 I was directed to make discovery concerning
the matter involved, and to report to you
the result thereof.

After giving the parties such notice as is shown
by a paper herewith filed marked (A) I proceeded to
make the required inquiries, and I desire to submit
the following brief reports as the result of said inquiries.

As a basis upon which to stand, I took the deposition
of William F. Felt and James D. Shagan and heard
the same marked (B).

From this evidence, it appears that the land in
question is easy of location and can be located
without any difficulty what ever, and I am well
acquainted with it and know in what part two
witnesses say about it in all respects.

I do not believe that it would be for the interests
of any of the parties interested to have it so divided
but upon the contrary I have no doubt the interests
of all would be promoted by a sale of the entire
tract and this view is supported by the judgments
of said two witnesses who have more to say and are well
acquainted with it. In this evidence (C).

The Off. Robinson has contracted his wife interest in
said land to the interest in money at the rate of three
hundred dollars for the whole and the said money
is willing to take the whole whole price but is not
willing to take in half at half that sum and hence
said is but to open house to sell the property and interest
half interest.

The land is situated in gravelly soil and principally
lies on two steep hill sides and being thus situated
is much suitable for cultivation.

All which is respectfully submitted.

Henry J. Morgan Esq.

Boston Robinson

vs. E. Reed. Gleason

Sarah Marshall

Filed for 15th 1877

Edw. P. Clerk

Commiss fees \$3.00

Boston Robinson & wife Plff.
vs. } In Chancery.
Sarah Mark & others Defs.

To the Hon John A. Kelly Judge of the Circuit
Court of Lee County Va.

Before the institution of this suit, the Plff Boston
Robinson contracted and sold his wife undivided half
of the land in the bill mentioned to the deft. F. A. Munn
for the sum of \$150.00, of which the said Munn at the
time paid said Robinson \$50.00 and his wife being under
age at the time, and incapable in law of making a
valid deed of conveyance this suit was brought to
ratify and confirm that sale, and to obtain the sanction
of your Honor to the sale of the defendant Sarah Marks
interest in said tract of land to said Francis A. Munn
at the like sum of \$150.00 making in the aggregate \$300.00
for the entire tract, and out of the proceeds of the sale,
the costs of this suit have been paid amounting to \$33.16.
and of this last sum Robinson and wife out of their own
were to pay one half thereof and Sarah Mark the other
half, and thus dividing the costs, each would pay \$16.58

Mr Munn having paid the Plff at the time of his
purchase \$50.00 and having paid his part of the costs of
\$16.58 it left a balance due the Plffs of \$83.42 with
interest thereon from May 1- 1880 till paid. And Mrs
Robinson having attained the age of 21 years, and she
and her husband having made and executed a deed
of conveyance conveying to said F. A. Munn one undi-
vided half of the tract of land in the bill and providing

mentioned, said Murray on the 8th day of Sept 1882
paid me \$96.06 which was the balance due the
Peffs with accruing interest, and that sum I sent
the Peffs by two Post Office Money orders. After deducting
53 cents the cost of said two money orders and 3 cents postage

Sarah Marks share of the sale of said land was
\$150.00 with interest from May 1-1880. and her part of
said costs being \$16.58 which has been paid by said Murray
it therefore follows that said Murray owes the dft. Sarah
Mark \$133.42 with interest from May 1-1880.

The dft. Sarah Mark I am informed has recently
married, but to whom I am ^{not} informed, but she is
still under 21 years of age.

Respectfully submitted

Daniel Walker by

H. J. Morgan

Att - Gen

Boston Robinson & wife

vs { Green & Siebert

Sarah Munk & others

Filed Nov 28 1886

J. H. Pratt
Clerk

Boston Robinson + wife Peffo.
vs.
Sarah Mark + al Defts } In Chy.

To the Hon John A. Kelly Judge of the Circuit
Court of Lee County Va

Since this suit was instituted the deft Sarah
Mark has intermarried with a man by the name of
James E. Rawlings and the said Sarah having now
arrived to 21 years of age, and she and her said
husband having conveyed by deed dated Feb. 26th 1884
their moiety of the tract of land in the bill mentioned
to Francis A. Murrey, and he having fully paid the
purchase money, which has been sent to said Rawlings
and wife at Manchester Kentucky, the object of
the suit has been attained, the cause may be stricken
from the docket.

Respectfully submitted.

David Miller Bow.

By H. J. Morgan

~~March 20 1884~~

Boston Robinson wife

20. } Cant. Report No. 3

Sarah Mark New Drawings

Filed March 21 1884.

J. A. Hyatt
clerk

Rose Hill Ga

Nov, the 1st 1879

Mr J. A. Muncy

Dear Sir as I am just getting over
a severe spell of Hemorage & als afflicted otherwise
I do not feel able to ride to Jones will I would
be very much gratified to do so but I fear
that it might give me a ~~large~~ considerable
injury. I would be ^{very} much gratified to have the
business in regard to the sale of the Land
fixed up I am in such feeble health.

There is plenty of men who are very well
acquainted with the condition of the land &
very well know that I am doing no good as
to the renting of the Farm for the benefit
of the Heirs Mr B. M. Morgan or Judge Morgan
either of them are acquainted with the condition
of the Land, I often had to Advertise twice
before I could get any Bids.
I will send you the exact amount or the figures
showing each years rents & that will show the
Decrease ^{& increase} for the sale for each year.

Mar, the 1st /73 to Elizabeth Davis at \$35.50

Mar, the 1st /74 to G. W. McDonald at \$25.00

Mar, the 1st /75 to J. A. Muncy at \$32.50

Feb, the 1st /76 to Euell Harber at \$31.00

January the 1st /77 to G. W. McDonald at \$15.00

January the 2⁶ /78 to Charles Burton at \$20.00

January the 1st /79 to J. A. Muncy at \$5.00

The Kents was wholly consumed in repairs for
the first & second year after I became the
Guardian for the Heirs of Saml. Mark Deceased
besides I have had to pay the Taxes on said
Land & other expences which will have to
be defraied There will be but a small sum
left for each Heir after making a settlement
with the Commissioner I think it decidedly
the best to get a decree from the Court
& sell said Land for the benefit of said
Heirs. The difficulties under which I have had
to act are too tedious to mention. if I am possibly
able to go to Jones will to Court I will do so
I cannot turn out in rough weather you know
but one thing I do know that if the Land
can be sold for any thing like its value
the interest on the Money ~~from~~ would realize
the Heirs more profit. than the share in which
it stands, I think this statement will be
satisfactory. I remain your friend faithfully
J. C. Thompson

Whereas all men by these presents that be and David
Miller & Francis A. Murray have held and finally
transacted with the Commonwealth of Virginia, in
the just and full sum of Six hundred dollars
for the payment thereof well and truly to be
made to the said Commonwealth we bind
ourselves and heirs & jointly and severally
firmly by these presents And we hereby make
the benefit of our homestead exemption as to
this debt Hence our hands & seal Feb. 14 1881.
The condition of the above obligation is such
that whereas in a certain Chancery cause now
pending in the Circuit Court of Lee County Va.
in which Boston Robinson & wife are plaintiffs
and Sarah Hawk & others are defendants, the
above bound David Miller has been appointed
a Receiver in said cause to collect the sum
of \$300 or more if the said Miller shall make
and truly account for and pay out the said
sum of money according to the decrees and
orders in said cause ^{made} by the Court or that
may be hereafter made from time to time.
Then the above obligation to be void, otherwise
to remain in full force & virtue.

David Miller
Francis A. Murray

Wiston Peruvian mine
vs 2 Peruvian mine
Lancaster Peruvian mine

Commissioners Office Jonesville Va Oct 20th 1879.
Boston Robinson Peff

vs. } In Chy in Circuit
Sarah Murk & al Defts Cust Sec County

Pursuant to a decree entered in this cause on the
3rd day of April 1879, I will proceed to my
Office in Jonesville on the 3rd day of Nov. 1879
to make the following enquiries:

- 1st Whether or not the land which is the subject of
this Suit can be conveniently divided
- 2nd Whether or not it will be to the interest of
any of the parties to have it so partitioned V
- 3rd Whether or not it will be to the interest of
all parties concerned to sell the entire tract to
the Deft Muncy at the price agreed on

At the place & on the day aforesaid all per-
sons interested will appear with such evidence
as they may have to offer in the premises

Henry J. Morgan Comr

Boston Robinson

vs { Notice

Sarah Mark + al

On the 30th of Oct 1879

I sent a copy of the within
by mail to F. A. Muncy at
Beech Spring

Henry J. Morgan

(A)

The Commonwealth of Virginia,

To the Sheriff of Lee County---Greeting:

We Command you to Summon *Sarah Clark and*
Francis A. Muncy

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

March

next, being rule day, to answer a bill in Chancery, exhibited in our said Court against

her by *Boston Robinson and*
Letitia Robinson his wife the Said Letitia
Robinson who also Sues by the Said Boston
Robinson her husband and next friend she
being under twenty one years of age and
she also Sues by Sylvester E. Thompson her next friend

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this *27th*
day of *February* 1877; in the *103rd* year of the Commonwealth.

James W Orr.

CLERK.

Boston Robinson
+ wife

vs. }
} Summons
} in Chy.

Sarah Clark et al.

Returnable to March
Rules 1879.

20

18

15

18

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25

50 R

1.50

36

36

18

36

36

36

\$ 5.16

.50

.36

.40

6.42

5.16

\$ 1.26

5.00

1.26

\$ 3.74